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T-659 P.001/005 F-034

NOV 18 2004

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/648,819

Filing Date

August 25, 2003

First Named Inventor

Peter Fierowsky, et al

Art Unit

1645

Examiner Name

Raymond Edward

Attorney Docket Number

3057.1B

## ENCLOSURES (check all that apply)

Fee Transmittal Form  
 Fee Attached  
 Amendment / Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/ Incomplete Application  
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

After Allowance Communication to TC  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):  
-Communication regarding corrected 850 Form (2 pages); and  
-Form PTO-850 (2 pages).

## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Affymetrix, Inc.

Signature

Printed Name

Philip L. McGaugh

Date

November 18, 2004

Reg. No.

31,395

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Facsimile No.: 703-672-9306.

Signature

Typed or printed name

Pamela Leong

Date

November 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T-659

P.002/005

F-034

NOV 18 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PETER FIEKOWSKY et al

Serial No. 10/648,819

Filed: August 25, 2003

For: SCANNED IMAGE ALIGNMENT  
SYSTEMS AND METHODS

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Examiner: Raymond, Edward

Art Unit: 1645

Corrected 850 Form

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

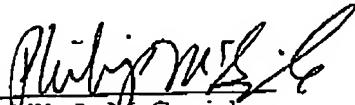
REMARKS

Applicants are attaching an amended PTO-850 "Interference Initial Memorandum" as there was a mistake in the Proposed Priority Benefit section in the previously submitted form. Under the column heading "APPLICATION NO.", the USSN should read 08/996,737, not 09/996,737. Additionally, the sequential listing of the applications in the Proposed Priority Benefit section was changed to reflect the listing in the USPTO Patent Application Information (PAIR) system. If there are any questions, please contact the undersigned attorney at (408) 731-5021.

Applicants do not feel a fee is required but should a fee be required, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,  
AFFYMETRIX, INC.

Date: Nov 18, 2004

By:   
Philip L. McGarrigle  
Reg. No. 31,395

Affymetrix, Inc.  
Legal Department  
3380 Central Expressway  
Santa Clara, CA 95051  
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## INTERFERENCE INITIAL MEMORANDUM

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Junior Party Yakhini et al	09/589,046	— 06/06/2000	6,591,196	07/08/03

If the involved is a patent, have its maintenance fees been paid? Yes — No — Not due yet X

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
None	None	None	None	None

The claim(s) of this party corresponding to this count:

1-18

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patented claims 1-18	N/A

The claim(s) of this party NOT corresponding to this count:

None

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patented Claims 1-18	N/A

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Junior Party Yakhini et al	09/659,415	— 09/11/00	6,768,820	07/27/04

If the involved is a patent, have its maintenance fees been paid? Yes — No — Not due yet X

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/589,046	06/06/00	6,591,196	07/08/03

The claim(s) of this party corresponding to this count:

1-5

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patented claims 1-5	N/A

The claim(s) of this party NOT corresponding to this count:

None

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patented Claims 1-5	N/A

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Senior Party Fiekowsky et al.	10/648,819	08/25/2003	N/A	N/A

If the involved is a patent, have its maintenance fees been paid? Yes  No  Not due yet  N/A

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/699,852	10/30/2000	6,741,344	05/25/2004
USA	09/542,151	04/04/2000	6,611,767	08/26/2003
USA	08/996,737	12/23/1997	6,090,555	07/18/2000
USA	60/069,032	12/11/1997	N/A	N/A
USA	08/823,824	03/25/1997	6,141,096	10/31/2000
USA	08/195,889	02/10/1994	5,631,734	05/20/1997

The claim(s) of this party corresponding to this count:  
46-49, 59-61, and 64-65.

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patentable pending claims 46-49, 59-61, and 64-65.	None

The claim(s) of this party NOT corresponding to this count:  
None

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
Patentable pending claims 46-49, 59-61, and 64-65.	None

*(Check off each step, if applicable)* **INSTRUCTIONS**

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(i)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NUMBER
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)		TELEPHONE NUMBER